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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

SWICKHAMER, CHRISTOPHER M

ART UNIT

PAPER NUMBER

2697

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/462,761

Applicant(s)

MAKIPAA, RISTO

Examiner

Christopher M Swickhamer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 12-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

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DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: '3' in figure 2. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. This application does not contain an abstract of the disclosure as required by 37

CFR 1.72(b). An abstract on a separate sheet is required.

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.

(b) CROSS-REFERENCE TO RELATED APPLICATIONS.

(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.

(d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(e) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

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(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

- Titles of the different sections within the specification are missing from the current application.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 12-25 are rejected under 35 U.S.C. 102(a) as being anticipated by Iwafume (EP 0756423). Referring to Claim 12, Iwafume discloses a method for providing a customer with services which can be transmitted in a multiplexed form via a terminal connected to a network (col. 13, lns. 23-31), in which method different selection data regarding available programs (services) is presented to the customer for selecting a program (service, col. 13, lns. 23-31), wherein the selection data for the selection of the program (service) is formed by using the program id and response data (identification and control data) of the services located in the multiplexed frames used for program (service) transmission (col. 14, lns. 5-25), the data being transmitted separately for displaying the available programs (selection data, col. 14, lns. 19-25)

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without the sending the actual program, thus informing the user of available programs services (no data regarding the actual service, col. 13, lns. 18-col. 14, lns. 42).

- Referring to Claim 13, Iwafume discloses a method as claimed in claim 12, wherein for presenting the services, said program id and response data (identification and control data) is delivered to the customer's terminal separately with no actual data of the service located in the multiplexed frame (col. 14, lns. 5-25).

- Referring to Claim 14, Iwafume discloses a method as claimed in claim 13, wherein a selection screen (service directory) which comprises the selection data and by which the services are presented on a television (display unit) created from said program id and response data (identification and control data, col. 13, lns. 23-31).

- Referring to Claim 15, Iwafume discloses a method as claimed in claim 14, wherein a separate service directory is compiled, on the basis of said program id and response data (identification and control data), from several services which can be transmitted in a multiplexed form and that said selection screen (service directory) is transmitted to the display unit when it has been connected to an communication (electronic) network (col. 13, lns. 18-50).

- Referring to Claim 16, Iwafume discloses a method as claimed in claim 14, wherein said selection screen (service directory) is compiled from the program id and response data (identification and control data) of several multiplexed frames comprising different services (col. 14, lns. 5-42).

- Referring to Claim 17, Iwafume discloses a method as claimed in claim 15, wherein said selection screen (service directory) is compiled from the program id and response data

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(identification and control) data of several multiplexed frames comprising different services (col. 14, lns. 5-42).

- Referring to Claim 18, Iwafume discloses a method as claimed in claim 14 or 15 or 16 or 17, wherein said service directory is continuously formed to servers operating in the communication network electronic network in accordance with the predetermined multiplexed services and that when the terminal establishes a connection to said data network its server automatically transmits the service directory to the display unit (col. 13, lns. 18-38).

- Referring to Claim 19, Iwafume discloses a method as claimed in claim 12, wherein after the user has selected a service displayed on the display unit, the service selected by an indicating device is delivered from the transmitting address to the receiver via the communication (electronic network) which is the most suitable for delivering the service (col. 14, lns. 5-42). Whichever network the service is provided from, is where the service will arrive.

- Referring to Claim 20, Iwafume discloses a method as claimed in claim 12, wherein the selected service is routed from the transmitting address to the receiver automatically on the basis of said program id and response data (identification and control data) of the multiplexed frame (col. 13, lns. 5-42).

- Referring to Claim 21, Iwafume discloses a method as claimed in claim 12, wherein the receiver is configured to receive the selected service on the basis of said program id and response data (identification and control data) of the multiplexed frame (col. 14, lns. 5-42).

- Referring to Claim 22, Iwafume discloses a terminal in a telecommunication network, such as a television or a computer, which is arranged to receive a service transmitted in a multiplexed form (col. 13, lns. 18-38), and which is arranged to present separate selection data

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regarding the services of a service provider to the user for selecting a service (col. 13, Ins. 20-38), wherein the terminal is arranged to display the selection data of the service, which selection data is formed from the program id and response data (identification and control data) which is located in the multiplexed program frames used for service transmission and which has been transmitted separately for presenting the selection data without sending the actual service, only displaying the available services (with no data regarding the actual service, col. 14, Ins. 5-42).

- Referring to Claim 23, Iwafume discloses a terminal as claimed in claim 22, wherein to enable the formation of the selection data of the service, the terminal is arranged to receive the multiplexed frames with no actual data regarding the service, and to form the selection data from them (col. 13, Ins. 18-38).

- Referring to Claim 24, Iwafume discloses a terminal as claimed in claim 22, wherein for forming the selection data of the service, the terminal is arranged to receive the selection screen (service directory) comprising the selection data and formed from the program id and response data (identification and control data, col. 13, Ins. 18-38).

- Referring to Claim 25, Iwafume discloses a terminal as claimed in claim 22 or 23 or 24, wherein the terminal is configured to receive the selected service on the basis of said program id and response data (identification and control data) of the multiplexed frame (col. 13, Ins. 50-col. 14, Ins. 42).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- Schindler et al, US Patent No. 6,516,467. *System with Enhanced Display of Digital Video.*
- Guo et al, US Patent No. 6,173,330. *Delivery and Acquisition of Data Segments with Optimized Interarrival Time.*
- Kalluri et al, US Patent No. 5,937,331. *Protocol and System for Transmitting Triggers from a Remote Network and for Controlling Interactive Program Content at a Broadcast Station.*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M Swickhamer whose telephone number is (703) 306.4820. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (703) 305.4798. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308.9571 for regular communications and (703) 827.9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305.3900.

CMS
February 12, 2003


RICKY NGO
PRIMARY EXAMINER